IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2763 OF 2004

Mr.Ajay Khatlawala ..Petitioner

Vs.

State of Maharashtra & Anrs...Respondents

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Ms.Shweta Jaydev i/b Mr.Khaitan & Jaykar for Petitioner
Mr.J.N.Suleja i/b Ms.M.V.Kini for Respondent no.1
Mr.V.B.Konde-Deshmukh A.P.P. for State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 10, 2005

P.C.

1. Heard the learned advocate for the petitioner, learned advocate for the respondent no.1-complainant and the learned A.P.P. for the State.

2. The petitoner is seeking quashing of process issued by the learned Metropolitan Magistrate, 23rd Court at Esplanade, Mumbai in C.C.No.377/S/2002. In the said case process was issued against the petitioner under Section 138 r.w. 141 of

Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

. The learned advocate for the respondent no.1-complainant fairly states that no objection

will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]